



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

7 June 1989

CECC-T (690-500)

MEMORANDUM FOR ALL DIVISION, DISTRICT, LABORATORY, AND SEPARATE  
FOA COUNSELS AND HEADS OF REAL ESTATE LEGAL OFFICES

SUBJECT: Professional Oversight of Legal Work

1. The enclosed memorandum from the General Counsel of the Department of the Army resolves the issues raised by the Army Acquisition Study concerning real estate attorneys in the Corps of Engineers.
2. The memorandum also poses an issue with respect to the occasional unavoidable legal work that is performed by Realty Specialists who are licensed attorneys but are not employed as such by the Corps.
3. To assure that no legal work is performed by those outside the qualifying authority of the Chief Counsel, we request you jointly take the following action: First, identify all Realty Specialist positions filled by licensed attorneys who occasionally perform legal work, along with the nature of the legal work performed. Second, for each of the foregoing positions identified, designate a Corps attorney classified as such and of equal or higher grade, preferably in the Real Estate organization but from the Office of Counsel if necessary, as the attorney accountable through the Chief Counsel's chain for the legal work of the identified Realty Specialist.
4. A report on the action taken to comply with paragraph 3 above, including the identification of the specific positions and individuals involved, will be forwarded to HQUSACE, Attn: CECC-T, no later than 15 August 1989.

LESTER EDELMAN  
Chief Counsel

BARRY FRANKEL  
Director of Real Estate

Enclosure



DEPARTMENT OF THE ARMY  
OFFICE OF THE GENERAL COUNSEL  
WASHINGTON, DC 20310-0104



CHIEF OF STAFF

29 March 1989

30 MAR 1989 15 31

MEMORANDUM FOR THE CHIEF OF ENGINEERS

SUBJECT: Real Estate Legal Offices in the U. S. Army  
Corps of Engineers (USACE)

The purpose of this memorandum is to address concerns about the degree of professional oversight of attorneys within the U. S. Army Corps of Engineers (USACE) Real Estate organization. On 28 November 1988, a number of interested officials from the Department of the Army and USACE met to discuss this and related issues. The discussion focused specifically on the organizational structure of the Corps and the fact that there are a number of licensed attorneys employed by the Corps in the counsel and real estate programs of the Corps.

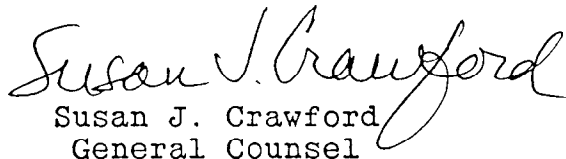
I am not aware of any serious problems arising from the present organizational status of real estate attorneys in the Corps. At the same time, however, I wish to reiterate that the Corps of Engineers' Chief Counsel is specified as the Qualifying Authority for all civilian attorneys employed as such with the Corps of Engineers. See Subchapter 7 of AR 690-300, Chapter 301. As the Corps' Qualifying Authority, the Chief Counsel is the only official within the Corps who has been delegated authority to approve the qualifications of persons recommended for appointment, transfer, reassignment, or promotion to Corps' civilian attorney or law clerk trainee positions. Therefore, the Army General Counsel holds the Chief Counsel responsible for the continuing qualifications (and thus professional performance) of all Corps' civilian attorneys employed as such regardless of their organizational locations within the Corps.

In this connection, it is important to note that positions which require professional legal training and admission to the bar are excluded from classification under the civil service GS-1170 Realty series. Hence the incumbents of the latter positions normally would

not require a legal background and, accordingly, would not be subject to the Chief Counsel's qualifying authority. However, I understand that some of these individuals are licensed attorneys and, on occasion, perform legal work not properly performed by individuals who are not licensed attorneys. The qualifications of all individuals performing legal work for the Corps are subject to the Chief Counsel's qualifying authority. This necessarily also includes the authority and responsibility to determine in the first place whether the work requires the attention of a licensed attorney.

A proposed change to the Corps' supplement to the AR would require that the performance rating of the head of a legal office within the USACE Real Estate organization include input from the head of the Counsel office at the comparable organizational level. This change would be consistent with the Chief Counsel's responsibilities, as described above, and, along with the advice provided herein, should resolve the issue raised.

I am fully confident that the Army will continue to have the same effective and efficient professional legal support from the attorneys in the USACE Real Estate organization that it has always had from this very important part of the Army legal community.

  
Susan J. Crawford  
General Counsel